
TITLE 326 AIR POLLUTION CONTROL DIVISION

FIRST NOTICE OF COMMENT PERIOD

LSA Document #19-82

VERTELLUS EMISSION LIMITS UPDATE**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules at [326 IAC 6.5-6-31](#), concerning revisions to the particulate matter (PM) emission limits requested by Vertellus Integrated Pyridines, LLC (Vertellus). IDEM seeks comment on the affected citations listed and any other provisions of Title 326 that may be affected by this rulemaking.

CITATIONS AFFECTED: [326 IAC 6.5-6-31](#).

AUTHORITY: [IC 13-14-8](#); [IC 13-17-3-1](#); [IC 13-17-3-4](#).

SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**Basic Purpose and Background**

On May 3, 2018, Vertellus, a chemical manufacturing company in Indianapolis, Indiana, submitted a letter to IDEM requesting revisions to its PM emission limits listed in [326 IAC 6.5-6-31](#). These revisions remove processes (units) that are no longer operating at the facility, as well as make changes to PM limits on other units impacted by the recently adopted sulfur dioxide (SO₂) limits found in [326 IAC 7-4-2.1\(a\)\(4\)](#).

Vertellus requests the removal of certain units from Indiana's rule at [326 IAC 6.5-6-31](#), as these units have either been demolished or are no longer operational and have been removed from the Title V operating permit. Additionally, Vertellus is requesting revisions to language in [326 IAC 6.5-6-31\(b\)\(1\)](#) to indicate that certain units only burn natural gas in order to comply with the recently adopted SO₂ limits.

Vertellus is also requesting a section to be added to [326 IAC 6.5-6-31\(b\)](#), asking that two units be listed as subject to [326 IAC 6.5-1-2\(b\)\(3\)](#), as these units only burn natural and landfill gases. Removing the option for units to burn petroleum fuels, as well as reducing the use of landfill gas, makes the use of natural gas necessary, and therefore requires that the PM emission limits be revised.

Finally, Vertellus requests revisions to [326 IAC 6.5-6-31\(a\)](#) regarding the tons per year PM emission limits for the units listed in the rule. Vertellus anticipates that changes to the PM emission limits will result in a decrease of 14.1 tons per year from the PM emission limits currently listed in the rule. Once the revisions in this rulemaking are completed, IDEM will submit the final rule to U.S. EPA as a state implementation plan revision.

IDEM seeks comment on the affected citations listed, including suggestions for specific language, any other provisions of Title 326 that may be affected by this rulemaking, and alternative ways to achieve the purpose of the rulemaking.

Alternatives to Be Considered Within the Rulemaking

Alternative 1. Revising [326 IAC 6.5-6-31](#) to address Vertellus' request in regard to PM emission limits in the state rule.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? This alternative is not imposed by federal law and there is no comparable federal law. This rulemaking is in response to a request from Vertellus to update its PM emission limits listed in the state rule at [326 IAC 6.5-6-31](#).
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Alternative 2. Do not amend existing rules.

- Is this alternative an incorporation of federal standards, either by reference or full text incorporation? No.
- Is this alternative imposed by federal law or is there a comparable federal law? No.
- If it is a federal requirement, is it different from federal law? Not applicable.
- If it is different, describe the differences. Not applicable.

Applicable Federal Law

40 CFR 50, National Primary and Secondary Ambient Air Quality Standards.

Potential Fiscal Impact

Potential Fiscal Impact of Alternative 1. This alternative will have a positive fiscal impact for Vertellus by allowing the source to operate using the appropriate PM emission limits for its equipment. This alternative also allows Vertellus to maintain consistency with its Title V operating permit.

Potential Fiscal Impact of Alternative 2. This alternative would have a negative fiscal impact for Vertellus. Making no changes to [326 IAC 6.5-6-31](#) would prevent Vertellus from operating under appropriate PM emission limits and may cause it to further contribute to SO₂ emissions in the area. This may result in fines for the source

and create a negative economic impact for the surrounding area.

Small Business Assistance Information

IDEM established a compliance and technical assistance program (CTAP) under [IC 13-28-3](#). The program provides assistance to small businesses and information regarding compliance with environmental regulations. In accordance with [IC 13-28-3](#) and [IC 13-28-5](#), there is a small business assistance program ombudsman to provide a point of contact for small businesses affected by environmental regulations. Information on CTAP and other resources available can be found at:

www.in.gov/idem/ctap

For purposes of [IC 4-22-2-28.1](#), small businesses affected by this rulemaking may contact the Small Business Regulatory Coordinator:

Angela Taylor
IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison
IGCN 1316
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 233-0572 or (800) 988-7901
ctap@idem.in.gov

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-6](#) is:

Katelyn Colclazier
Small Business Ombudsman
Indiana Economic Development Corporation
One North Capitol, Suite 700
Indianapolis, IN 46204
(317) 431-1560
kcolclazier@iedc.in.gov

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-6](#), specifically [IC 5-28-17-6\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

The Small Business Assistance Program Ombudsman is:

Erin Moorhous
IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison
IGCN 1301
100 North Senate Avenue
Indianapolis, IN 46204-2251
(317) 232-8921 or (800) 451-6027
emoorhou@idem.in.gov

Public Participation and Work Group Information

At this time, no work group is planned for the rulemaking. If you feel that a work group or other informal discussion on the rule is appropriate, please contact Keelyn Walsh, Rules Development Branch, Office of Legal Counsel at (317) 232-8229 or (800) 451-6027 (in Indiana).

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:
LSA Document #19-82 Vertellus Emission Limits Update
Keelyn Walsh
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue
Indianapolis, IN 46204-2251

- (2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 232-8922.

- (3) By electronic mail to kwalsh@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address**

indicated in this notice.

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

All comments must be postmarked, faxed, or time stamped not later than March 15, 2019. Hand-delivered comments must be delivered to the appropriate office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Keelyn Walsh, Rules Development Branch, Office of Legal Counsel (317) 232-8229, or (800) 451-6027 (in Indiana).

Christine Pedersen, Section Chief
Rules Development Branch
Office of Legal Counsel

Posted: 02/13/2019 by Legislative Services Agency
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